



UTAH VALLEY UNIVERSITY

Policies and Procedures

POLICY TITLE	Alcohol- and Drug-Free Workplace	Policy Number	155
Section	People and Culture	Approval Date	May 9, 2023
Subsection	Conditions of Employment	Effective Date	May 9, 2023
Responsible Office	Vice President of People and Culture		

1.0 PURPOSE

1.1 To promote a safe educational and work environment, Utah Valley University maintains a drug- and alcohol-free workplace. The University expects employees to report to all work assignments unimpaired and in a condition ready to perform their duties safely and effectively.

2.0 REFERENCES

- 2.1 *Drug-free Workplace Act*, 41 U.S.C. §§ 8102, 8103
- 2.2 *Americans with Disabilities Act*, 42 U.S.C. §§ 12101-12213.
- 2.3 29 C.F.R. § 1630.14, *Medical examinations and inquiries specifically permitted*
- 2.4 *Medical Cannabis Act*, Utah Code 26-61A
- 2.5 *Local Governmental Entity Drug-Free Workplace Policies*, Utah Code 34-41-101 *et seq.*
- 2.6 *Antidiscrimination Act*, Utah Code 34A-5
- 2.7 *Controlled Substances Act*, Utah Code 58-37-1 *et seq.*
- 2.8 *Government Records Access and Management Act*, Utah Code 63G-2
- 2.9 UVU Policy 152 *Accommodations for Individuals with Disabilities*
- 2.10 UVU Policy 157 *Alcoholic Beverages, Unlawful Drugs, and Other Illegal Substances*
- 2.11 UVU Policy 361 *Employee Leave*
- 2.12 UVU Policy 371 *Corrective Actions and Termination for Staff Employees*
- 2.13 UVU Policy 405 *Fleet Operations*
- 2.14 UVU Policy 648 *Faculty Personnel Reduction (Interim Policy)*



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3.0 DEFINITIONS

3.1 Accident: Any incident occurring in a university workplace or while an employee is performing official university activities, in which anyone is injured or any university property is damaged.

3.2 Alcohol: As used in this policy, refers to consumable alcohol or non-denatured ethanol intended for human consumption and considered “food safe.”

3.3 Chemical alcohol: For the purposes of this policy, any alcohol that is not intended to be consumable or “food safe” (e.g., isopropyl).

3.4 Drug: A substance that is recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to any of those compendia.

3.5 Employee: Any person who is employed full- or part-time regardless of status by the University, including student employees, staff, administrators, faculty, and adjunct faculty, or who otherwise owes contractual duties to the University.

3.6 Failed test: A test for alcohol, marijuana, or illegal drugs conducted under this policy that has either been verified as positive pursuant to section 5.2.4, or for which the confirmatory retest conducted pursuant to section 5.2.5 was positive.

3.7 Illegal drug: Any substance that either (a) is unlawful under either federal or Utah law for individuals to use, possess, or sell (such as cocaine or heroin), or (b) is a prescription drug but either has not been prescribed to the employee in question or is being used by the employee in a manner other than as prescribed.

3.8 Marijuana: Any substance, whether or not a drug, which contains any amount of cannabis or tetrahydrocannabinol (THC).

3.9 Medical cannabis card: A valid and unexpired document issued to the employee in question by the Utah Department of Health.

3.10 Prescription Drug: Any drug that, according to law, can only be obtained through a prescription from a physician or other authorized healthcare provider.

3.11 Reasonable suspicion: A belief that an employee may possibly be impaired by any illegal drug, marijuana, or alcohol, so long as the belief is based upon specific facts that are observed, recorded, or documented or upon reasonable inferences drawn from those facts. Examples of facts that are sufficiently specific include, but are not limited to, odors, physical appearance, speech patterns, behaviors, motor skills, paraphernalia, or body movements that are consistent with the possible recent consumption of an illegal drug, marijuana, or alcohol. Neither vague



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suspicions, nor hunches, nor an employee's nervous behavior are by themselves sufficiently specific to establish reasonable suspicion.

3.12 Rehabilitation program: A rehabilitation, treatment, or counseling program that is approved by the University and designed for those struggling with substance abuse relating to the use of alcohol, marijuana, or illegal drugs.

3.13 Remote workspace: Any university-approved location, other than onsite, where faculty and staff are performing university work, education, or research.

3.14 Safety-sensitive position: Any university position (1) involving duties that directly affect the safety of university employees, students, or the general public; or (2) where there is access to controlled substances, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties.

3.15 Under the influence: The state of an individual who has been determined to have consumed or used illegal drugs, marijuana, or alcohol under circumstances that violate any university policy.

3.16 Workplace: Any location that is either owned, leased, or managed by the University, or where any university work or sponsored activity is performed. "Workplace" includes buildings, facilities, grounds, parking lots, and vehicles (including aircraft). "Workplace" also includes employees' personal vehicles when those vehicles are used either to engage in university work or sponsored activity or to transport one or more other persons who are engaged in any university work or sponsored activity. During periods of time when employees are working remotely, "workplace" includes the complete room in which the employee is working.

4.0 POLICY

4.1 Voluntary Disclosure, Treatment, and Rehabilitation

4.1.1 The University strongly encourages employees who believe that they may have an alcohol or drug dependency problem or another issue with drugs or alcohol to voluntarily seek treatment and/or rehabilitation before it is discovered through a violation of this policy. Employees should contact People and Culture for information to better understand what assistance may be available to them through the university's Employee Assistance Program (EAP) and whether they may request reasonable accommodations under the *Americans with Disabilities Act* (see Policy 152 *Accommodations for Individuals with Disabilities*). All inquiries of this nature will be confidential, and only those persons with a legitimate need to know will be made aware of any such inquiry.

4.1.2 Upon receiving this report, the People and Culture may require the employee to enroll in a rehabilitation program as a condition of continued employment. One purpose of the university's



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EAP is to help employees and their families who suffer from alcohol or drug dependency. It is the responsibility of each employee to seek assistance from the EAP before alcohol and drug problems lead to disciplinary action.

4.1.3 Once a violation of this policy occurs, the subsequent use of the EAP on a voluntary basis will not necessarily affect the remedies or disciplinary sanctions taken and may have no bearing on the determination of appropriate actions. However, an employee's voluntary report will not necessarily excuse them from remedies or disciplinary sanctions, including potential termination of employment, for violations of this policy that occurred before the report was made.

4.2 Referrals to Rehabilitation Programs

4.2.1 If the University requires an employee to enroll in a rehabilitation program pursuant to this policy (such as after a failed test), the University will not reinstate the employee (or continue the employee's employment after reinstatement) unless the program reports to the University that the employee has successfully completed the program and complies with required post-rehabilitation testing (see section 4.5.1.3). The University will offer the employee leave without pay to give the employee reasonable time to complete the program even if they do not otherwise meet the normal eligibility requirements for leave without pay (Policy 361 *Employee Leave*). Employees required to enroll in a rehabilitation program will be subject to termination of employment if they abandon the program, fail to cooperate with the program, or fail to complete the program successfully.

4.3 The University maintains an alcohol- and drug-free workplace consistent with its Code of Conduct and in compliance with state and federal laws and regulations. The following are strictly prohibited and may subject any employee who is found to have committed any such violation to remedies and/or disciplinary sanctions, up to and including termination of employment for misconduct:

4.4 The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances by an employee in any university workplace.

4.5 Using, possessing, or being under the influence of alcohol, marijuana, or illegal drugs during the employee's working hours, or while in any workplace, or while engaged in any university work or sponsored activity.

4.6 Working or reporting to work impaired or under the influence of alcohol, marijuana, or illegal drugs.

4.7 Unlawfully manufacturing, distributing, dispensing, possessing, or using any illegal drug or drug paraphernalia in any workplace.

4.8 Despite these prohibitions, employees may possess alcohol without violating this policy in the following limited circumstances:



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4.8.1 This policy does not prohibit the lawful possession or consumption of alcohol by employees of the University's Culinary Arts Institute, or the consumption of alcohol or of food prepared with alcohol by the Culinary Arts Institute, or the handling of alcohol by employees of Dining Services, so long as these activities occur only within the course of official food preparation and service activities of the Culinary Arts Institute or Dining Services, as applicable (including any related training activities), are confined to workplaces that are under the direct supervision of those departments, and do not involve any other act that would otherwise violate this policy.

4.8.2 This policy does not prohibit the lawful possession or handling of alcohol or chemical alcohols by employees of approved university Colleges (e.g. the College of Science or School of the Arts) so long as these activities occur only within the course of official laboratory or remote workspace locations and within educational and research activities of the college. The activities must be confined to workplaces that are under the direct supervision of the college, supervised by representatives of the college, and not involve any other act that would otherwise violate this policy.

4.9 This policy does not prohibit the lawful possession or consumption of a reasonable amount of alcohol by employees outside of working hours in business-related meals, travel, entertainment, conferences, meetings, or comparable social activities, so long as: (a) the employee does not work for the University in a safety-sensitive position, (b) no alcohol is possessed or consumed in any university workplace, (c) the venue permits the possession and consumption of alcohol, (d) the employee does not attempt to operate a motor vehicle after the activity, and (e) the employee does not engage in any other act that would otherwise violate this policy (such as returning to work under the influence). A "reasonable" amount of alcohol means a small amount that does not result in the employee becoming visibly intoxicated. If there is reasonable suspicion that an employee is under the influence, the University may decide to test them (see section 4.5.1.1).

4.10 This policy does not prohibit the possession or consumption of marijuana by employees who hold a medical cannabis card so long as (a) the employee in question does not possess or consume marijuana during the employee's working hours or in any university workplace, and (b) the employee's use of marijuana does not result in the employee either being impaired by marijuana during working hours or otherwise being adversely affected in the employee's job performance. However, this exception does not apply to employees who either: (a) work in a position subject to a federal security clearance or any other federal background determination, (b) work in a position that is dependent upon a license that is subject to federal regulations, such as a pilot's license or a commercial driver's license, or (c) are someone whose off-duty use or possession of marijuana could otherwise jeopardize the university's federal funding. People and Culture will maintain a list of positions that are ineligible for employee off-duty marijuana use pursuant to a medical cannabis card.



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4.11 The University will take corrective action, up to and including termination of employment, for violations of this policy.

4.12 The University will not excuse any violation of this policy, including when the violator may have a substance abuse problem.

4.13 Mandatory Reporting

4.13.1 An employee (other than one on an approved leave of absence) must report to People and Culture promptly if either (a) they are undergoing a medical treatment that involves the consumption of a substance containing alcohol or marijuana (including pursuant to a medical cannabis card), or (b) they are using any drug either as a supplement or as part of a medical treatment, if that drug may impair their ability to perform their work in a safe and efficient manner. The report must include at least the names, dosages, and frequencies of the particular substances or drugs that the employee is taking. The employee may also, in connection with making this report, request for a reasonable accommodation under the *Americans with Disabilities Act* (see Policy 152).

4.13.2 After receiving a report pursuant to section 4.13.1, People and Culture will, in consultation with the employee's supervisor, assess the potential impact of the information reported on the employee's ability to safely and efficiently perform their job duties.

4.13.3 If an employee fails to report treatment or supplement usage when required by section 4.13.1 and the employee is then involved in an accident related to that treatment or supplement usage, the employee will be subject to corrective action, including potential termination of employment.

4.14 Voluntary Disclosure and Rehabilitation Referral Programs

4.14.1 Employees who believe that they may have a substance abuse problem concerning alcohol, marijuana, or any illegal drug are strongly encouraged to voluntarily report the problem to People and Culture as found in section 4.2.1 and 4.2.2 and request reasonable accommodations under the *Americans with Disabilities Act* (see Policy 152), and to do so before they engage in conduct that violates this policy. Upon receiving this report, People and Culture may require the employee to enroll in a rehabilitation program as a condition of continued employment. However, an employee's voluntary report will not excuse the employee from corrective action, including potential termination of employment, for violations of this policy that occurred before the report was made. It is also their responsibility to report whether the use of prescription drugs would pose a significant risk of harm to them or others as the result of their inability or impaired ability to perform the essential functions of their job. Under such circumstances, People and Culture, in consultation with the employee and the employee's healthcare provider, will determine whether the employee may continue to work or be granted unpaid or paid time-off, subject to university policy, while using the prescription drug.



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4.15 Testing for Alcohol, Marijuana, and Illegal Drugs

4.15.1 All substance testing for alcohol, marijuana, and illegal drugs will be performed in accordance with accepted professional and technical standards for testing. Consistent with federal and state law, the University will require employees to complete tests in the following circumstances:

4.15.1.1 *Reasonable Suspicion:* The University may require an employee to complete a test for alcohol, marijuana, and illegal drugs if the University has a reasonable suspicion that the employee is under the influence of alcohol, marijuana, or any illegal drug either (a) during the employee's working hours, (b) in any university workplace (including the employee's remote workspace) while university work is being performed, (c) on any university property (including parking lots), (d) in any university vehicle (including aircraft), regardless of whether the vehicle is being operated, or (e) while engaged in any university business or university-sponsored activity.

4.15.1.2 *Post-Accident:* The University may require an employee to complete a test for alcohol, marijuana, and illegal drugs if the employee is reasonably believed to have been involved in an accident during the previous 24 hours.

4.15.1.3 *Rehabilitation Programs – Return to Work and Continued Employment:* The University will require employees undergoing treatment in a rehabilitation program, and who desire to return to work, to take and pass a post-rehabilitation test as a condition of returning to work, and to take periodic unannounced follow-up post-rehabilitation tests as a condition of remaining employed after their return. The rehabilitation program will determine the number and frequency of follow-up post-rehabilitation tests.

4.15.1.4 *Post Offer Pre-Hire – Safety Sensitive Positions:* The University will require applicants for employment in any safety-sensitive position to take and pass a pre-employment test for alcohol, marijuana, and illegal drugs. People and Culture will maintain a list of safety-sensitive positions that are subject to pre-employment testing. Any offer of employment for a safety-sensitive position will be contingent upon taking and passing a pre-employment test for alcohol, marijuana, and illegal drugs, and all applicants to safety-sensitive positions will be notified of this requirement at the time of their application. Any offer of employment to a candidate for a safety-sensitive position will be rescinded if the candidate either (a) fails or refuses to complete the test, or (b) fails the test. The University may also require employees in safety-sensitive positions to complete additional tests (including random tests) for alcohol, marijuana, and illegal drugs when required by federal regulations, licensure boards, or other authorities.

4.15.2 *Failed Test:* If an employee or applicant fails a test conducted under this policy, and the failed test indicates a violation of this policy, the University may use the failed test as the basis for taking any one or more of the following actions:



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4.15.2.1 Taking corrective action against the employee, including potential termination of employment;

4.15.2.2 Requiring the employee to enroll in a rehabilitation program; or

4.15.2.3 Withdrawing an offer of employment.

4.15.3 *Refusal to Test*: Employees who refuse to take a test required by this policy, or who obstruct such a test, will be subject to corrective action, including potential termination of employment. The University will consider any of the following behaviors to be obstructing a test:

4.15.3.1 Refusing or disobeying a directive to stop work or leave their work area in connection with a reasonable suspicion or post-accident test,

4.15.3.2 Refusing to appear at, or to be transported to, the testing site,

4.15.3.3 Attempting to delay or hinder the administration of the test,

4.15.3.4 Providing inaccurate information or identification to testing officials,

4.15.3.5 Failing or refusing to provide a sufficient sample during testing (except where the employee is medically unable to do so),

4.15.3.6 Engaging in disruptive conduct during the test (such as by refusing to empty pockets or engaging in confrontational behavior),

4.15.3.7 Attempting to dilute, adulterate, substitute, or otherwise modify any sample to be tested,

4.15.3.8 Refusing to sign consent or authorization forms relating to the test (including forms authorizing the release of the test results to the University).

4.15.4 Limitations Relating to Testing

4.15.4.1 No physician-patient relationship will be created as a result of any test conducted pursuant to this policy between an employee or prospective employee and either (a) the University, or (b) the testing site, physicians, or other officials administering the test.

4.15.4.2 The mere fact that an employee or prospective employee has received a confirmed positive result on a test conducted pursuant to this policy will not, by virtue of those results alone, result in the employee or prospective employee being considered to be a person with a disability for purposes of the *Utah Antidiscrimination Act*, Utah Code Title 34A, chapter 5; or the *Americans with Disabilities Act*, 42 U.S.C. §§ 12101-12213.



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5.0 PROCEDURES

5.1 Drug Awareness and Education Program

5.1.1 People and Culture will coordinate an education program to inform employees of:

5.1.1.1 The University's commitment to maintaining a drug-free workplace;

5.1.1.2 The dangers of drug abuse in the workplace;

5.1.1.3 Available drug-abuse counseling, rehabilitation, and employee assistance programs;

5.1.1.4 Employees' responsibility to adhere to this policy; and

5.1.1.5 Sanctions and penalties that may be imposed for violating this policy.

5.1.2 People and Culture will also coordinate regular training with supervisors regarding:

5.1.2.1 The detection and assessment of drug or alcohol use;

5.1.2.2 Procedures to be followed when drug or alcohol use is suspected; and

5.1.2.3 Other administrative procedures for implementing drug-free workplace policies and procedures.

5.2 Drug Conviction Occurring in the Workplace

5.2.1 Any employee convicted of a violation of a criminal drug statute that occurred in the workplace must notify their supervisor and People and Culture no later than five days after the conviction. Within 30 days of receiving this notice, the employee's supervisor, in consultation with People and Culture and the Office of General Counsel, shall (1) take appropriate corrective action, up to and including termination of employment, or (2) require the employee to participate in and complete a rehabilitation program (see section 4.1).

5.2.2 People and Culture will notify the Office of Sponsored Programs if the employee providing notice of the conviction is working in a position that is funded by a federal contract or grant. The Office of Sponsored Programs is responsible to provide notice to the appropriate federal agency within 10 business days after People and Culture receives notice.

5.2.3 Testing Procedures Applicable to All Tests

5.2.3.1 All substance testing for alcohol, marijuana, and illegal drugs will be performed in accordance with accepted professional and technical standards for testing.



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5.2.3.2 For current employees, all tests will be conducted during or immediately after their regular work period, and all time that the employee spends completing the test will be considered working time for purposes of compensation and benefits.

5.2.3.3 The University will pay all costs of sample collection and testing for tests required by this policy (except as stated in section 5.2.5 concerning confirmation retests). For current employees, the University will also pay the costs of transportation to and from the testing site.

5.2.3.4 All tests conducted under this policy will be conducted by an independent laboratory certified for employment drug testing such as the Substance Abuse and Mental Health Services Administration or the College of American Pathology. People and Culture will maintain a list of certified testing sites.

5.2.3.5 All instructions, chain of custody forms, and collection kits (including bottles and seals) used for sample collection will be prepared by an independent laboratory certified for employment drug testing such as the Substance Abuse and Mental Health Services Administration or the College of American Pathology.

5.2.3.6 All persons being tested will be required to provide a urine sample and to provide reliable identification.

5.2.3.7 All samples collected in tests conducted under this policy must meet the following requirements:

5.2.3.7.1 The sample must be collected by an entity independent of the University.

5.2.3.7.2 The sample must be collected under reasonable and sanitary conditions.

5.2.3.7.3 The sample must be collected and tested with due regard to the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of a reliable sample.

5.2.3.7.4 The sample collection must be appropriately documented to ensure that (a) samples are labeled and sealed so as reasonably to preclude the probability of erroneous identification of test results, (b) persons being tested have the opportunity to provide information that the person considers relevant to the test (see section 5.2.6), and (c) the sample collection complies with the *Americans with Disabilities Act*, 42 U.S.C. §§ 12101-12213.

5.2.3.7.5 The sample must be split upon collection so that there is a 15ml split urine sample available for a confirmation retest, should the person being tested request it (see section 5.2.5).

5.2.3.8 All sample collection, storage, and transportation shall be performed so as reasonably to preclude the probability of sample misidentification, contamination, or adulteration.



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5.2.3.9 All testing of samples shall conform to scientifically accepted analytical methods and procedures.

5.2.4 Notice and Verification of Initial Positive Tests

5.2.4.1 Where an initial result is positive, the University will (a) notify the person who was tested of the initial positive result and inform them of their option for a confirmation retest (see section 5.2.5), and (b) conduct a verification test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method.

5.2.5 Option for a Confirmation Retest

5.2.5.1 Within 72 hours after receiving notice of an initial positive test result, the person who was tested may ask People and Culture to have a confirmation retest conducted by a different testing site on their split sample (see section 5.2.3.7.5). Costs for the confirmation retest will be split evenly between the University and the person requesting the confirmation retest. People and Culture will select the testing site for the confirmation retest from the list maintained pursuant to section 5.2.3.4. If the result of the confirmation retest is negative, the person will be deemed to have passed the test. If the result of the confirmation retest is positive, the person will be deemed to have failed the test.

5.2.6 Opportunity to Provide Information

5.2.6.1 During all tests conducted by this policy, the person being tested shall be given an opportunity to provide notification of any information that the person considers relevant to the test, including: (a) identification of any currently or recently used prescription or nonprescription drugs that the person has taken; (b) a medical cannabis card, or (c) other relevant medical information.

5.2.7 Handling of Test Results

5.2.7.1 The use and disposition of all test results are subject to the limitations of Title 63G, Chapter 2, *Government Records Access and Management Act*, and the *Americans with Disabilities Act*, 42 U.S.C. §§ 12101-12213.

5.2.8 Additional Procedures for Reasonable Suspicion Tests

5.2.8.1 The following additional procedures will apply to all reasonable suspicion tests (see section 4.5.1.1):

5.2.8.1.1 People and Culture may require an employee to complete a reasonable suspicion test if, after considering the relevant specific facts and the inferences from those facts, it reasonably determines that one of the grounds for a reasonable suspicion test exists as set forth in section 4.15.1.1. A supervisor who for any reason believes or suspects that an employee may possibly be



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under the influence of any illegal drug, marijuana, or alcohol is required to notify People and Culture immediately. If People and Culture requires an employee to complete a reasonable suspicion test, it will document the specific facts that formed the basis of its determination.

5.2.8.1.2 Immediately after People and Culture determines that a reasonable suspicion test is required, the employee will be removed from their work area, directed to stop performing all work, and placed in a safe, non-threatening location until they can be transported to the testing site. Any refusal to comply with any of these directives will be considered obstructing the test (see section 4.5.3).

5.2.8.1.3 The University will arrange for the employee to be transported to a testing site chosen by the University and accompanied by a university representative. The employee shall not under any circumstances drive themselves to the testing site. The University will also arrange transportation for the employee to return to a safe location, such as the employee's home, after the test is conducted. Pursuant to section 5.2.3.2, the University will pay any costs of these transportation arrangements.

5.2.8.1.4 The University will arrange for the employee to be transported to a testing site chosen by the University and accompanied by a university representative. The employee shall not under any circumstances drive themselves to the testing site. The University will also arrange transportation for the employee to return to a safe location, such as the employee's home, after the test is conducted. Pursuant to section 5.2.3.2, the University will pay any costs of these transportation arrangements.

5.2.8.1.5 The University will place employees who are required to complete reasonable suspicion tests on paid administrative leave pending the results of the test.

5.2.9 Additional Procedures for Post-Accident Tests

5.2.9.1 The following additional procedures will apply to post-accident tests (see section 4.15.1.2):

5.2.9.1.1 People and Culture may require an employee to complete a post-accident test upon learning that the employee has been involved in any accident within the previous 24 hours. Employees are required to notify their supervisor immediately if they are involved in any accident, and the supervisor is required to forward these reports immediately to People and Culture. If a supervisor otherwise learns that an employee has been involved in an accident, the supervisor shall notify People and Culture immediately and provide People and Culture with all facts known to the supervisor about the accident and the employee's potential involvement in it.

5.2.9.1.2 Immediately after People and Culture determines that a post-accident test is required, the employee will be removed from their work area, directed to stop performing all work, and placed in a safe, non-threatening location until they can be transported to the testing site. Any



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refusal to comply with any of these directives will be considered obstructing the test (see section 4.15.3).

5.2.9.1.3 If the employee for any reason is unable to complete a test within eight hours after the accident (in the case of a test for alcohol) or within 24 hours after the accident (in the case of a test for marijuana or illegal drugs), the employee will, in lieu of the test, be required to provide the University with a written authorization to obtain medical records directly from the employee’s health care provider which show the amount of alcohol, marijuana, or illegal drugs in the employee’s bloodstream at or around the time of the accident. People and Culture will also document the reason(s) why the test was not administered within the allotted time frame.

5.2.9.1.4 Employees involved in accidents are also required to report the accident in accordance with other university policies and procedures, as applicable, such as those related to Workers’ Compensation and Policy 405 *Fleet Operations*.

5.3 Recordkeeping

5.3.1 People and Culture will handle all records created or received pursuant to this policy that relate to an employee’s medical condition or treatment (including testing records) as confidential medical records pursuant to the requirements of the *Americans with Disabilities Act*. However, these records may be disclosed (a) to those in the employee’s supervisor chain of authority, to the extent necessary to determine whether corrective action is justified based upon a violation or possible violation of this policy and to determine what that corrective action should be; and (b) in any other instance where disclosure is relevant to any grievance, charge, claim, or other adversarial proceeding initiated by or on behalf of the employee or prospective employee at issue.

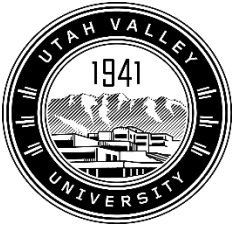
5.4 Publication

5.4.1 People and Culture shall provide notice of this policy to all employees on an annual basis and upon initial hire.

5.4.2 The Office of Sponsored Programs shall provide notice of this policy to all employees performing university duties funded by a federal grant or contract.

5.4.3 The University shall also publish this policy on its website to make it available for review by prospective employees.

POLICY HISTORY		
June 18, 1992	Approved.	UVU Board of Trustees
May 9, 2023	Revised policy approved. Policy number changed to 155.	UVU Board of Trustees



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